

**MINUTES OF THE
MEDICAL LICENSING BOARD OF INDIANA**

**Meeting held
May 26, 2005**

**9:00 A.M.
CONFERENCE CENTER ROOM C
INDIANA GOVERNMENT CENTER SOUTH
302 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA**

I. CALL TO ORDER

Dr. Lankford called the meeting to order at 9:12 a.m. in Conference Center Room C, 302 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-22.5.

Members Present:

Bharat H. Barai, M.D., President
N. Stacy Lankford, M.D., Vice-President
Richard Krejsa, D.O.,
Worthe Holt, M.D., Secretary
Barbara Malone, J.D., Consumer Member
Ralph Stewart, M.D.,
William H. Beeson, M.D.

Members Not Present:

Staff Present:

Angela Smith Jones, Board Director, Health Professions Bureau
Jeanette Roberts, Assistant Board Director, Health Professions Bureau
James Schmidt, Legal Counsel, Office of the Attorney General
Gordon White, Legal Counsel, Office of the Attorney General

II. ADOPTION/AMENDMENTS TO THE AGENDA

A motion was made and seconded to adopt the agenda as amended.

Krejsa/Stewart
Motion carried 5/0/0

III. ADOPTION/AMENDMENTS TO THE MINUTES of April 28, 2005

A motion was made and seconded to adopt the minutes as amended.

Krejsa/Stewart
Motion carried 5/0/0

IV.

PROBATIONARY APPEARANCES
(Before one member of the Board only)

The physicians listed below, appeared per their order and no other issues arose during the probationary appearance:

Jeffrey Seizys, M.D.
Sally Ann Booth, M.D.
Glenn A. Ballengee, DO
Deborah Provisor, MD
Stephen J. Matthews, M.D.
Andrew R. Wyant, M.D.
Jan Allan Mayer, M.D.

Janie Lou Jones, M.D.: Dr. Jones needs a letter or an order dismissing the notice of proposed default and stating that she is now in compliance with her probation.

V.

PERSONAL APPEARANCES
Re: Initial Application

- A. Adel Abdalla, M.D.:** Dr. Abdalla's exam scores are outside of the 7-year window by 1 month and 9 days. Upon review of his file, actually, his two tests of the USMLE are within the 7 years because the current rules actually don't apply to him since he took the NBME as one of his steps. Thus he is not requesting a waiver, the rules simply do not apply to him as the 7-year requirement only applies to those who have only taken the USMLE.

A motion was made to grant licensure.
Lankford/Barai
Motion carried 7/0/0

- B. Frederick A. Deigert, M.D.:** Dr. Deigert appeared before the Board due to his positive response to question number 6 regarding staff membership privileges being restricted, etc., and number 8 regarding malpractice. He explained to the Board that he only had one malpractice case in 40 years. The treatment he used previously was new at the time and he was disciplined by the hospital because it was cutting edge. It is now accepted treatment.

A motion was made to grant licensure.
Barai/Holt
Motion carried 6/1/0 (Stewart opposed)

- C. Rom Sharma Charmin, M.D.:** Dr. Charmin is requesting a waiver of the 2-year post graduate training requirement. He only has one year and 4 months of training. His specialty is occupational medicine; however he is currently the medical director of an allergy clinic. The Board asked questions of Dr. Charmin inquiring as to how he does a rash test to determine the patient's allergy. He did not answer the question on the method that he used. He explained that he obtained his training in allergy at a dermatology residency program. He does not remember when he got his Illinois license. He does not meet the minimum

requirements, and the board would like to give him the chance to withdraw or the board will vote to deny his application.

Dr. Charmin withdrew his application.

A motion was made to accept the withdrawal.

Lankford/Beeson

Motion carried 7/0/0

- D. **Alan Christopher Gatz, M.D.:** Dr. Gatz answered yes to question number 8 regarding malpractice. He explained that he settled a suit for \$3.5 million. He explained the details of the malpractice case to the board. There was a 23 year woman, mother of 2 and she died. This is his only malpractice suit in 20 years of practice. He could not explain the large judgment.

A motion was made to grant licensure.

Stewart/Barai

Motion carried 6/0/0

- E. **Robert W. Goodlett, M.D.:** Dr. Goodlett previously submitted the required documentation and his temporary permit was approved. There was no need for him to appear.

- F. **Emmeline Hazaray, M.D.:** Dr. Hazaray is requesting a waiver of the 7 year provision. She explained the basis of her request to the board. The Board advised her that she may re-take the step which puts her outside of the 7 years. For clarification, she will need to pass the new CSA and CK, not just the CK portion since that is how the exam is given now. She needs to check with the CSA office of the USMLE and see how quickly she can get scheduled.

A motion was made to table this application.

Stewart/Lankford

Motion carried 6/0/0

- G. **Roger E. Jones, M.D.:** Dr. Jones answered yes to question 7 regarding admonishment, reprimand, etc., taken at a hospital or facility where staff membership or privileges were held. He switched programs and went into a troubled program and of the 6 who started he and two others were let go after the first year. The problems started within days of the first meeting. His wife is black and he is white. He was labeled a troublemaker immediately. He began copying the medical records to dispute the accusations against him. Once he did this he was labeled a trouble maker. This occurred in Jamaica Hospital in Queens. He was originally in an OB/GYN program and decided to switch programs. He explained the situation with his wife and her ectopic pregnancy and her near death experience to the Board, which was another issue with his program, where they were unsympathetic to his personal family situation. He is board eligible and has successfully completed his training. He successfully passed all three steps of the USMLE.

A motion was made to grant licensure.

Malone/Barai

Motion carried 6/0/0

- H. **Nirmal Joshi, M.D.:** Dr. Joshi answered yes to question 5(b), because he was arrested for a DUI in December 1993. He was evaluated by an addictionologist about 3 weeks ago. He obtained a good lengthy evaluation where it was determined that he does not have an alcohol abuse problem.

A motion was made to grant licensure.
Lankford/Barai
Motion carried 6/0/0

- I. **Thomas R. Merritt, M.D.:** Dr. Merritt answered yes to question number 8 regarding malpractice. He has 13 malpractice cases filed. He explained the cases to the Board. He is an orthopaedic surgeon. They are very concerned and have heard troubling information. The board would like

A motion was made to deny the application.
Stewart/Lankford

The Board gave him an option to withdraw his application.
Krejsa/Stewart
Motion carried 5/0/0

- J. **Timothy Pohlman, M.D.:** Beth Compton represented Dr. Pohlman before the Board. Dr. Pohlman was here last month and has returned per the board's request. His Washington license is currently unrestricted; however he is under the physician's health program. The following was presented to the Board for their review:

- ♦ His C.V. was presented to the Board.
- ♦ A letter from Washington Physicians Health Program sent to Candace Backer dated February 2005.
- ♦ A letter from Ed Rankin, LICSW regarding Dr. Pohlman's psychotherapy.
- ♦ A letter from George Rodman, M.D. of Methodist hospital re: Dr. Pohlman's monitoring practice agreement.
- ♦ A letter from Keith Lillemoe, M.D.
- ♦ Certificates and a written personal statement from Dr. Pohlman.

Candace Backer is also present to advocate for Dr. Pohlman.

Dr. Pohlman refreshed the Board's memory on his history of substance abuse. He is currently a visiting professor at I.U. He reviewed his monitoring/practice agreement with Clarian/I.U. for the Board. He is requesting an unencumbered license in Indiana. The Board explained that the only way to have the same thing that Washington has is to have a probationary license. According to the Board's interpretation, he had a probationary license with show cause language and he was being monitored by their Board. The Board has a concern that he has not practiced for 24 months. He is now two years into recovery from his 2nd relapse.

The Board asked Gordon to draft a probationary order similar to the Washington Order and add to the Washington order and include some of the Clarian monitoring plan. Tabled for now, he is to come back to the board for the details on the probationary license.

Gordon went over the terms of indefinite probation for the board, Dr. Pohlman is on probation indefinitely, he can petition for modification after 3 years, he must maintain a contract with ISMA, must keep the Board apprised of his work and home address, he must comply with the employment arrangement, he must comply with the Washington Board order (exclude the evaluation that has been completed), include the Clarian letter of supervision with expanded requirements, there is a reporting requirement-- quarterly reports from his supervisor (Dr. Rodman) must be submitted to the Board, he must report to the Board immediately if there is any adverse activity or questionable activity. Any change in supervisor must be reported to the Board, any new employer must be approved by the board, Dr. Pohlman is to make quarterly appearances before the Board, extend what Clarian is going to do for one year.

Beeson: We need to have Dr. Pohlman's surgery skills evaluated and the Dean of Indiana University School of Medicine has agreed to evaluate his skills. The Dean will devise a process to evaluate the clinical competence of Dr. Pohlman and his ability to carry out the surgical duties commensurate with his position prior to his obtaining full clinical privileges. The Dean will also render a satisfactory report back to the president of the Medical Licensing Board or his designee. Dr. Pohlman may have to come back before the board after the evaluation. Let it be understood that Dr. Pohlman will not assume independent unsupervised surgeries until this matter has been evaluated and addressed by the board.

A motion was made to grant a probationary license according to the terms and conditions discussed by the Board.

Beeson/Lankford
Motion carried 7/0/0

- K. **Bryan M. Sakamoto, MD:** Dr. Sakamoto answered yes to 5(b) as he was arrested for a DUI, years ago. He has no malpractice and never had his medical license disciplined. He will be working at I.U. at the department of anesthesia. Although this was almost 21 years ago, Dr. Sakamoto is going into anesthesiology and it is a high risk area. The Board really wants another evaluation. Dr. Sakamoto agreed to get an addictionology evaluation by either a board approved addictionologist from California or Indiana.

A motion was made to grant licensure pending a positive evaluation.
Beeson/Stewart
Motion carried 6/0/1 (Malone abstained.)

- L. **Imran Aziz Shaikh, MD:** Dr. Shaikh did not appear before the Board.

- M. Kenneth Snead, MD:** Dr. Snead appeared before the Board because he answered yes to questions number 1, 2 and 8. He was disciplined because he did not have malpractice insurance which was required by Pennsylvania. He assumed that he had it through the hospital. Once he was aware that he needed to obtain malpractice for himself, he applied for malpractice, but they would not let him pay for it in installment plans. He went to his lawyer and he told him not to worry about it and the clinic would cover him. His contract was renewed time and time again for 5 years thus he believed he had malpractice coverage. His lawyer handled all of this. His suspension was for one year, but 11 months were stayed. He currently has an unrestricted license in Pennsylvania. This is the only blemish on his record. He came here to live with his daughter after he got here he found that he did not like retirement and he wants to go back to work. He wants to help his children build a clinic.

He last practiced in 1996, it has been about 9 years since he last worked. He worked locum tenens for about 9 years prior to that. What has he been doing to keep up on his clinical skills, courses, reading, he did consulting work, etc? Before the Board can grant a license they need to be sure he is clinically competent, i.e. SPEX, and additional information, such as a board certification exam, to support his competency. He had planned to do CME.

A motion was made to table the application until he can provide information to show the board his clinical competence.

Beeson/Barai
Motion carried 7/0/0

- N. Rebecca J. Sutton, MD:** Dr. Sutton did not appear before the Board.

A motion was made to deny the application as Dr. Sutton has not complied with any of the board's requests.

Malone/Stewart
Motion carried 6/0/0

- O. Joseph C. Tulagan, MD:** He was placed on "remediation" during his post graduate training (PGY 6). There was a poor match and some disillusion on his part coupled with personality issues with he and other physicians. It was a very difficult environment for him to work. He was not aware that he was on probation. The Board needs a letter from the program explaining what happened.

A motion was made to table the application.
Stewart/Kresja
6/0/1 (Beeson abstained)

- P. Susan T. Williams, MD:** Dr. Williams answered yes to question number 5(b). She was arrested for having a gun on the prison grounds. She had the gun because she carried a gun with her because she had to travel through some very rough neighborhoods on her way to work. She went to visit her brother in prison in Pontiac, IL over Thanksgiving weekend and forgot about her gun in the glove

compartment. At the prison they did searches and of course they found her gun. She was charged with carrying a weapon.

A motion was made to grant licensure
Stewart/Barai
Motion carried 7/0/0

PERSONAL APPEARANCES
Re: Renewal Application

Paul Russo, D.O. (*Continued*)
Mitchell E. Simons, MD: His personal appearance was continued.

VI. PRESENTATION

PANEL DISCUSSION

Re: Foreign Trained Physicians and Unapproved Programs Review of Resolution

Dr. Feldman presented to the Board. He asked the Board to consider the Resolution. After the 3 year residency training in Indiana, the Indiana Academy of Family Practice Physicians (IAFPP) asks that the candidates get equal standing as with programs that are routinely approved. He feels that Indiana has excluded some very qualified residents by rejecting these graduates from the questionable schools. Indiana has an access problem, but they are not here to argue about the decrease in candidates in the program. They want to provide adequate primary care to the residents of the state. Some of the candidates from the questionable schools have been much better trained and qualified than the programs that are on the approved list. Historically, the Board has taken the California list as the standard in this state.

The concern is that once a temporary license is granted then the board will be forced to issue a full license even if the candidate is not really qualified. The word waiver is a problematic word, and it forces the board to fight. The board believes that everyone should have 3 years of post-grad training, not just foreign trained even the graduates from U.S. medical schools. It is proposed by the IAFPP that perhaps we can try this resolution for a specified time limit. That may make the board more comfortable the programs could make regular reports back to the Board.

Dr. Holt said he would consider a motion to do the following:
Replace the word "waiver" with the word "pilot" and present all candidates to the Board with some type of evaluation in detail with objective evaluations. Add a bullet that this is a three year pilot program and the program directors are to continue to evaluate the candidates and update the Board. It will be best to compare the numbers of entrees with graduates, issues, experiences, etc. Someone needs to keep the information to determine the validity of the pilot program.

A motion was made to establish a committee of the Board to further discuss this issue.

Malone/Stewart

Discussion:

Dr. Beeson raised issues to consider in implementing this resolution:

There is the problem of access, the decrease of primary care in Indiana, the public safeguard, etc. He is not sure of the appropriateness granting the "waiver" and wants them to go to the Governor's office. If the Dean of the medical school or the Governor says it needs to be done then the Board will go for it. Personally he thinks it is a good idea and that we should do it. It is a good leadership position.

Dr. Lankford: We have always eschewed manpower issues, and this is what we are hearing about. We are not really talking about licensure. We don't have any data on these graduates.

Dr. Krejsa: Once you do this, then we legitimize the program.

Malone: Let's set up a committee to further study this.

A motion was made to have Dr. Beeson, Dr. Feldman, Dr. Stewart, Dr. Holt and Dr. Pepple on the committee to evaluate proposal and work out the details.

Malone/Kresja

Motion carried 7/0/0

A motion was made to have discussions and presentations to the Board in the evening hour, not in the middle of the morning, including rule presentations/hearings.

Malone/Stewart

Motion carried 7/0/0

PRESENTATION BY DR. PEPPLER RE: SABA UNIVERSITY

He reviewed the information on SABA which he presented to the Board. SABA took about 50 students for 3 semesters now they have up to 70 per year. The school was founded as a non-profit entity according to Dutch law. It is structured like an American university. The first class was in 1993. They receive teaching for 5 semesters over 3 years on the island. They have affiliations with 60 hospitals in 33 states. Most students at Saba are American or Canadian and Christian, so they get a break for Christmas, total length of time is 72 weeks of education. (40% of his son's graduating class were sons/daughters of U.S. physicians.) There are 27 full time faculty primarily from the U.S., India and Canada. Saba graduate have a 95% first time pass rate for USMLE Step I.

He has one son who graduated from Saba and one son who is in attendance. His opinion is that Saba is one of the two premier Caribbean medical schools. He would like to see Saba on the approved list.

The Board's charge is to approve foreign schools based upon the LCME standards. The Board is concerned because of the past reports of the students selecting their own core rotation based upon the preferred geographical locations of 3rd and 4th year of education. It is not acceptable to the board.

VII. ADMINISTRATIVE HEARINGS

A. RUSSELL MANTHEY, M.D. (CONTINUED)

Cause No.: 2004 MLB 0018

Re: Final Hearing

B. DAVID VINCENT FISCHER, M.D.

Cause no.: 2004 MLB 0013

Re: Preliminary Hearing – Extension of Summary Suspension

Parties and Counsel Present:

Sara Matticks was present on behalf of the State.

Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Holt (hearing officer)

Dr. Lankford

Dr. Krejsa

Dr. Stewart

Ms. Malone

Dr. Barai

Dr. Beeson

Witnesses: None.

Case Summary: Dr. Fischer is currently facing a 41 count federal indictment, which was originally sealed when it came out on April 2, 2004. A couple of employees notified the authorities and lodged complaints against Dr. Fischer. Currently, there are several charges pending against Dr. Fischer and an ongoing investigation. One of the charges filed against Dr. Fischer is submitting false information to a federal program. On April 15th, 2004, the indictment was unsealed and the Federal magistrate released him so he could go back to the practice of medicine. He did voluntarily surrender his DEA license.

Dr. Fischer has pled guilty to several drug related charges and the state is awaiting the order. His sentencing date is set for May, 2005. The state requested the board to renew the summary suspension for an additional 90 days. On May 10th, he was convicted and sentenced. The state filed a complaint on May 20th, 2005 and would like to have the Summary Suspension extended for 90 days so that we can set the final hearing in June.

Board Action: A motion was made to continue the Summary Suspension for an additional 90 days.

Krejsa/Stewart

Motion carried 7/0/0

C. WILLARD H. HAGENMEYER, D.O.

Cause No.: 2003 MLB 0030

Re: Final Hearing

Parties and Counsel Present:

Sara Matticks is counsel for the State of Indiana.

Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Dr. Krejsa (hearing officer)

Dr. Holt

Ms. Malone

Dr. Lankford

Dr. Barai

Dr. Stewart

Dr. Beeson

Witnesses: None

Case Summary: He had entered an agreement for an indefinite suspension of his license until the criminal matter was resolved. The state requested the board to issue a notice of proposed default.

Board Action: A motion was made to issue a notice of proposed default.

Stewart/Lankford

Motion carried 6/0/1(Holt recused himself)

D. GEOFFREY A. GENDELS, M.D. (CONTINUED)

Cause No. 2005 MLB 0008

Re: Settlement/Final Hearing

E. PETER ALFRED BERTANI, M.D.

Cause No.: 2005 MLB 0003

Re: Final Hearing

Parties and Counsel Present:

Sara Matticks is counsel for the State of Indiana.

Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Dr. Beeson (hearing officer)

Dr. Holt

Ms. Malone

Dr. Krejsa

Dr. Lankford

Dr. Barai

Dr. Stewart

Witnesses: None

Case Summary: the state requested the Board to issue a notice of proposed default.

Board Action: A motion was made to issue a notice of proposed default.

Krejsa/Barai
Motion carried 7/0/0

F. PHILIP J.A. RYAN, M.D. (CONTINUED)

Cause No.: 2003 MLB 0028

Re: Final Hearing

G. PAUL KEVIN BARKAL, M.D.

Cause No.: 2001 MLB 0024

Re: Order to Show Cause

Parties and Counsel Present:

There is no counsel for the State of Indiana.

Jan Carroll

David Rosenberg

Dr. Barkal

Participating Board Members:

Dr. Lankford (hearing officer)

Dr. Holt

Ms. Malone

Dr. Krejsa

Dr. Barai

Dr. Stewart

Dr. Beeson

Witnesses: Dr. Barkal

Case Summary: An interim suspension order was issued in January 2005 in California. There was no hearing with regards to that order. It has nothing to do with medical negligence. The ALJ judgment had to do with numerous civil suits. On June 17th, 2005, there will be a writ of mandate hearing before the courts in California. Request that before any order is issued in Indiana, that it wait until the California judge issues its order. Contest Paragraph #3 re: reports due to the Board are no longer needed since he is no longer on probation in California. Thus some terms are now null and void. His California probation was ended in 2003. The California Board wanted to extend his probation and the AG took the matter off the calendar. Dr. Barkal has not seen patients since 2002.

He does not practice medicine in Indiana and has not practiced here since 1982, but he wants to keep his original license of his home state. He explained his probationary terms in California. There was monitoring of his practice by a physician in his field of practice, anesthesiology/pain management, who would file quarterly reports to the California board upon reviewing his charts. He did double the CME

per year, he had eye sight issues —detached retina—thus he must submit to regular eye exams, yearly monitoring costs, and all other costs and fees. The suspension in California had nothing to do with medical care. It has to do with civil suits and he has valid explanations.

The allegations in CA are the following: civil disputes that vendors are claiming that bills have not been paid, nothing related to the practice of medicine. He has not practiced medicine since October 1, 2002. This action was filed in 2004 and the judges decision was not consummated until 2005. It is not about patient care. His California license has been suspended and he is seeking remedy of that in courts. (this decision was made without an evidentiary hearing, it is simply by record of the AG's with no testimony or witnesses). They are having a hearing to get that reversed.

Copies of the most recent California order were handed to the Board. There is a claim from a transcriptionist alleging that her bill was not paid, and a number of other allegations of consumers doing business with him (employee, etc.) and the judge said these were grounds for suspending his medical license. The Board asked questions on his competency. Dr. Barkal state that currently he supervises physicians in the practice of pain management, he is not involved in clinical care. Closing remarks were made. They asked the Indiana Board to see what the merit and the truth of the situation is.

Board Action: A motion was made to Summarily Suspension the license.

Stewart/Barai
Motion carried 6/0/1 (Holt abstained)

H. ELIZABETH ANN PEARCY, M.D. (CONTINUED)

Cause No.: 2004 MLB 0043
Re: Final Hearing

I. ARUNACHALAM THIRUVENGDM, M.D. (CONTINUED)

Cause No.: 2004 MLB 0036
Re: Final Hearing

J. WALLAS NEWTON BELL, M.D. (CONTINUED)

Cause No.: 2004 MLB 0042
Re: Final Hearing

K. ARNALDO FRANCESCO TRABUCCO, M.D.

Cause No.: 2005 MLB 0030
Re: Petition for Summary Suspension

Parties and Counsel Present:

Sara Matticks is counsel for the State of Indiana.
Respondent was present with counsel James Voyles and Jeffrey Washburn

Participating Board Members:

Dr. Holt

Ms. Malone
Dr. Krejsa
Dr. Lankford
Dr. Barai
Dr. Stewart (hearing officer)
Dr. Beeson

Witnesses: Chad Swank
E. Robert Jacobs, M.D.
John Benedict, M.D.
Douglas Rose, M.D.
Raymond Kaise, M.D.
Noel Taylor, D.C.
Pam Kershner, R.N.
Donna Carter, R.N.
Jill Linn

Case Summary: Custom officials in Chicago confiscated a package addressed to Dr. Trabucco's P.O. Box in Indiana. The package contained marijuana seeds ordered over the internet from London. Upon a search by the authorities they found marijuana plants, seeds, paraphernalia, etc. He and his wife were arrested and charged. The only charge officially filed is possession of marijuana. Approximately 33 marijuana plants were found in the room adjacent to the furnace room. There is a one count criminal charge. The initial hearing is in June 2005.

Detective Chad Swank: Bartholomew County Prosecutors Office. Det. Swank was contacted by a customs officer. He conducted a further investigation upon this tip. He obtained search warrants based upon the information supplied by the customs officer. They executed the search warrant while Ms. Trabucco was home, during the search, Dr. Trabucco arrived. Once Dr. Trabucco arrived he assisted them in doing a thorough search. Dr. Trabucco was immediately placed under arrest as was his wife. Dr. Trabucco admitted that he and his wife had keys to the P.O. Box. They found large amounts of cash in a check box with stacks of \$20.00 bills. They found a safe with 5 check boxes with labels denoting the types of dollar bill in the box. One labeled for twenties with \$380.00 contained inside; one labeled for tens with \$240.00 contained. They found a box labeled \$5,000 with two bundles of cash equaling \$10,000 and another box of 3 bundles of cash equaling \$15,000. They found another box labeled new bills with cash in it. And many other items which lead the detective believe that the marijuana was being cultivated and distributed by the Trabuccos. They found over 21 items in the house during the search related to the search warrants. They found cigar tubes that had burnt marijuana roaches in them. They found marijuana papers in the house, and cash register receipts. They found a book on indoor cultivation of marijuana. The majority of items that were found were related to drug selling.

Cross: His office was contacted by the U.S. Postal inspectors. Inspector Petrie told them that several people had access to the box (Mrs. Trabucco, Francesco Trabucco, Vatianna Trabucco, Dino Trabucco were the names on the box.) Tthe grow room had no vents to the garage. They searched the entire house about 4,000 sq. feet and the marijuana paraphernalia was found in the basement.

Home office was not a home medical office where he would see patients. All of the medications they found were samples. In the investigation, it was determined that there was no unusual traffic going in and out of the house.

E. Robert Jacobs, M.D.: He is a general surgeon who works with Trabucco and has for the past few years. He has never seen anything to indicate that he was impaired. He does not see him as an immediate threat or danger to the public. He has never smelled marijuana on Dr. Trabucco.

John Benedict, M.D.: He is an urologist in the Columbus area. They work together. Dr. Trabucco joined the practice a couple of years ago. They spend several days per month together and he has no reason to believe that Dr. Trabucco uses marijuana. He does know that Dr. Trabucco's wife has neurological disorders and health challenges. It is difficult for him to believe that Dr. Trabucco is involved in anything that the detective mentioned.

Respondent's Exhibit #A: a copy of Dr. Trabucco's C.V.

Douglas Rose, M.D.: He knows Dr. Trabucco from working together in the hospital. His reputation at the hospital is very good with everyone including the nurses. He has never smelled anything on him, liquor or smoke. He has been to his home several times. He was never given the impression that Dr. Trabucco was impaired. His reputation in the medical community in Columbus is excellent. He refers patients to Dr. Trabucco and has done so recently.

Respondent's Exhibit #B: Letter of support from Trent Miller, M.D.

Respondent's Exhibit #C: Letter of support from Richard A. Wiethoff, M.D.

Respondent's Exhibit #D: Letter of support from Karl J. McAleese, M.D.

Raymond Kaise, M.D.: He is a nephrologists in Columbus, Indiana. He knows Dr. Trabucco professionally. They share many patients and cross refer. The shared patients speak very highly of Dr. Trabucco, his surgical skills and his interpersonal skills.

Noel Taylor, D.C.: He is the chiropractor of Dr. Trabucco's wife. She has several conditions one being the Ramsey Hunt Syndrome. There have been minor Bell's Palsy indications and she reports pain. She has been his patient for one and ½ years. He has never had any indication that Dr. Trabucco is impaired. He has not recommended the use of marijuana to treat her condition. She was diagnosed with Ramsay Hunt Syndrome from a neurologist in New York. People prescribe Marinol to treat this disease in Europe.

Respondent's Exhibit E: Letter from John P. Winikates, M.D., Mrs. Trabucco's neurologist

Pam Kershner, R.N.: she has been a registered nurse for 30 years. She works in the O.R. She works at the hospital in Seymour, Indiana. Her mother is a patient of Dr. Trabucco. She knows him to be very professional and an excellent physician, she trusted him with her mother.

Donna Carter, R.N.: She worked in Seymour, Indiana with Dr. Trabucco as an OR nurse. Her grandmother is a patient of his and she knows him from that as well as work in the surgical areas at work. In her experience he has been the best physician she has known. He is very professional and thorough and strives to do the very best job. Everyone adores him.

Rebuttal witness: Jill Linn: She had surgery last July and was referred by her gynecologist for a possible bladder infection. She saw Dr. Trabucco 6 weeks after her surgery from 8/18 – 11/19 and had four to 5 visits with him. She got the impression at her last visit that he was acting strange. Dr. Trabucco did an internal exam without a chaperone. He continued to refer to his notes, he questioned about who her original physician was, etc. He decided to prescribe some more antibiotics, but when he wrote a prescription out for her he left the name blank on the script. He told her that she could allow a friend to fill the script for her since her insurance prescription plan was so poor.

He did not seem like himself, he seemed very distracted, unfamiliar with her file, ...it seemed like he was on something. It is just that something was off. She was satisfied with her treatment by Trabucco until the last visit.

Parties made closing arguments.
The Board deliberated on the record.

Barai: He does not believe he is a danger to anyone. There is no evidence of drug usage. Is the doctor guilty of personally using the marijuana or is someone in his house using it and he is condoning it? He does not think that he is a clear and immediate danger.

Malone: There is smoke and there is fire. He used very poor judgment in storing or growing marijuana in his home her duty is to err on the side of the protection of the public. She sees it as selling and dealing marijuana.

Beeson: The Board must err on the side of patient safety. There is can be impairment in his judgment. It is very difficult to detect impaired physicians. It looks like it was either being sold or used. One is poor judgment the other is a danger to the public. He is in favor of suspension for patient safety.

Lankford: He is to be commended. He resigned his privileges at hospitals and his group is honorable. However, this seems like poor judgment and boundary issues. He is in favor of suspension.

Krejsa: There was no evidence heard that he is a bad doctor, but he has all of the marijuana, the seeds, the plants and the mail, etc. If you wanted to use it for medicinal purposes there is a way to go about doing it, by getting the proper CSR. The large sums of money in the house are a little strange. He has lived in the area for 2 years, yet no reports of people coming and going and no reports of trafficking etc. He does not seem to be impaired. He believes he should be suspended.

Stewart: The number of marijuana plants is problematic. If he is treating his wife with it, it is unethical, if he is using it he is a danger, if he is selling it, he is a danger.

Board Action: A motion was made to Summarily Suspend the license for 90 days.

Stewart/Malone
Motion carried 5/1/0 (Barai opposed)

L. MAURO J. AGNELNERI, M.D. (CONTINUED)

Cause No.: 2004 MLB 0005
Re: Preliminary/Final Hearing

M. GERALD GENE GRAY, D.O.

Cause No.: 2005 MLB 0018
Re: Preliminary Hearing - Extension of Summary Suspension

Parties and Counsel Present:

Sara Matticks was present on behalf of the State.
Paul Black was present on Respondent's behalf.
Gerald Gray, D.O.

Participating Board Members:

Dr. Barai (hearing officer)
Ms. Malone
Dr. Stewart
Dr. Krejsa
Dr. Lankford
Dr. Beeson

Witnesses:

Det. Douglas Young
Eugene McRoberts
Jackie Mitchell
Tommy Willis
Laura Hyatt, R.Ph.
Dr. Gray

Case Summary: Dr. Gray had a Michael Meinhart working for him practicing medicine in his office. Ultimately, it was discovered that Mr. Meinhart had graduated from medical school but had not passed any exams nor done a residency. He has never been licensed as a physician in Indiana or any state. Mr. Meinhart was arrested and charged with the felony of practicing medicine without a license. He was arrested on 5 counts of practicing without a license. They arrested him at the Oakland City Clinic. The state is asking the board to suspend the license for 90 days to allow the state to continue its investigation.

A brief opening was made by the State of Indiana; reminding the Board that the summary suspension is still in affect until 6/22/05, and to encourage the Board to continue status quo. Other governmental and law enforcement agencies have contemplated additional action against the Respondent.

Respondent's opening: The doctor has complied with all requirements in terminating practice, e.g., notifying patients, changing voice mail at office.

Petitioner's Exhibit 1: Letter from Gibson County prosecutor Robert Krieg turning the case over to Attorney General's office.

State's closing: Nothing has changed since last Board action summarily suspending Respondent's license.

Respondent's closing: On March 24, 2005, the hearing was contentious. His take on hearing is that the wrong done by Dr. Gray had to do with another person in his office who did not have a medical license. The determination was made by the Board that Respondent was a clear and immediate danger to public. The fact that the unlicensed person "Doctor Mike" has been gone, the threat to the public is gone. The trial of this person in 2006, will the Respondent remain suspended? Mr. Black suggests that what's judicious and appropriate is not to lift suspension but to put him on probationary status indefinitely, attaching appropriate guidelines, e.g., reporting to board, limiting practice, preceptor and monitoring.

State's rebuttal: The Board should keep the suspension in effect for another 90 days; and there was no suggestion that he remain suspended until "Doctor Mike" is criminally tried.

The Board deliberated on the record.

Board Action: A motion was made to continue the 90 day summary suspension;

Stewart/Malone
Motion carried 5/0/1 (Barai abstained)

N. VLADIMIR VASIC, M.D.

Cause No.: 2005 MLB 0012
Re: Final Hearing

Parties and Counsel Present:

Steven Douglas is counsel for the State of Indiana.
Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Ms. Malone (hearing officer)
Dr. Krejsa
Dr. Lankford
Dr. Barai
Dr. Stewart
Dr. Beeson

Witnesses: None

Case Summary: December 4, 1997, Greater Niagra General Hospital terminated the staff privileges of Respondent. In February 1999, Respondent completed an application for staff privileges at Hancock Memorial Hospital and did not answer the

questions correctly. On August 23, 1999, the Discipline Committee of the College of Physicians and Surgeons of Ontario reprimanded Dr. Vasic's license. In April 2002, Respondent completed an application for appointment at Ashtabula County Medical Center in Ohio and did not answer the questions correctly. Later that same year, Dr. Vasic's Ontario medical license was suspended for six (6) months. Subsequently, the Ohio Board revoked Respondent's license on February 14, 2004. In 2003, when Dr. Vasic submitted his application for renewal in the State of Indiana, he did not answer the questions on this renewal application correctly.

Notice was sent to Dr. Vasic regarding the hearing. The state also sent copies of the complaint to Dr. Vasic and they also called to contact him. However, because there is no proof that the notice was mailed regular U.S. mail, UPS or out of country mail Jim Schmidt advised the Board to err on the side of the caution and resend the notice and hold off on taking action.

Board Action: A motion was made to table the matter and resend the notice to Dr. Vasic.

Malone/Stewart
Motion carried 6/0/0

O. LYNN MILLER, M.D.

Cause No.: 2005 MLB 0019

Re: Final Hearing

Parties and Counsel Present:

Steven Douglas is counsel for the State of Indiana.

Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Ms. Malone (hearing officer)

Dr. Krejsa

Dr. Lankford

Dr. Barai

Dr. Stewart

Dr. Beeson

Witnesses: None

Case Summary: Dr. Miller had an Ohio training permit in the year 2000. In May 2000, Dr. Wood, Director of the Wright State University School of Medicine Internal Medicine Residency Program, placed Dr. Miller on academic probation. In January 2001, Dr. Miller presented a letter supposedly drafted and signed by Dr. Wood, which indicated that Dr. Miller successfully completed 9 months of training and left for maternity leave. It also stated that they would recommend Dr. Miller for a new residency program. Dr. Wood did not compose nor sign this letter.

August 24, 2004, Respondent signed an application for the internal medicine residency program at St. Elizabeth Health Center in Ohio and she stated that she had no prior residency experience. She also failed to disclose that she was placed on probation during her time at Wright State. Respondent was admitted into the program;

however she was later dismissed in November 2002. In April 2002, Respondent submitted an application to the Ohio Board for a training certificate and did not answer the questions correctly. This resulted in an investigation and on April 1, 2004, the Ohio Board revoked Respondent's training certificate.

On July 1, 2003, Respondent started as a resident at Ball Memorial Hospital Internal Medicine Residency Program. On June 28, 2004, Respondent's contract was terminated. Respondent did not answer truthfully on her initial application for a residency training permit or her renewal application.

Board Action: A motion was made to issue a notice of proposed default.

Lankford/Stewart
Motion carried 6/0/0

P. PATSY JEAN WEBBERHUNT, M.D.

Cause No.: 2005 MLB 0015

Re: Final Hearing

Parties and Counsel Present:

Sara Matticks is counsel for the State of Indiana.

Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Ms. Malone (hearing officer)

Dr. Krejsa

Dr. Lankford

Dr. Barai

Dr. Stewart

Dr. Beeson

Witnesses: None

Case Summary: Respondent has not provided copies of medical records to her patients per their request. The patients were unable to contact Dr. Webberhunt or any staff to obtain the copies. The State requested the board to issue a notice of proposed default. Her license expired in 2003.

Board Action: A motion was made to issue a notice of proposed default.

Lankford/Stewart
Motion carried 6/0/0

VII. PRE-HEARING CONFERENCES

A. JOHN E. DOLATOWSKI

Cause No.: 2004 MLB 0039

Information was reported to the National Practitioner Data Bank about action taken by the hospital, but Dr. Dolatowski did not report that on his 2003 renewal application. He was denied staff privileges when he applied for staff membership at

The Community Hospital in Munster, Indiana. The Reason for denial was given as minimal inpatient experience as the majority of practice since the Respondent's training has been in urgent care centers, some of which were closed. Therefore, the Executive Committee felt that the length and quality of services provided could not be verified.

Dr. Dolatowski agreed to a fine of \$500.00 for not accurately reporting that on his renewal. He does not need to check that again on his 2005 renewal.

Board Action: A motion was made to accept the settlement agreement that he pay the fine of \$500.00.

Malone/Barai
Motion carried 6/0/1 (Malone abstained)

VIII. ACTIONS ON ADMINISTRATIVE LAW JUDGE ORDERS:

A. DAVID YOURAN

Cause No.: 2005 MLB 0021

A motion was made to affirm the ALJ proposed order.

Lankford/Barai
Motion carried 6/0/0

IX. NOTICE OF PROPOSED DEFAULT

A. MARK A. HAYES, M.D.

Cause No.: 2004 MLB 0007

Parties and Counsel Present:

Steven Douglas is counsel for the State of Indiana.

Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Dr. Lankford (hearing officer)

Dr. Barai

Ms. Malone

Dr. Krejsa

Dr. Stewart

Dr. Beeson

Witnesses: None

Case Summary: The Board took official judicial notice of its file in this matter. The matter of the hearing is related to his disappearance and failure to make arrangements for any of his patients to receive treatment or their records. He has been evicted from his office space in Martinsville. The landlord has not been able to locate any medical records and Respondent has not notified his patients of his new

whereabouts. The State explained their attempts at notice. Service was made by overnight mail to the address of record and the state telephoned Dr. Hayes at the last known telephone number.

The state requested the Board hold Respondent in default.

Board Action: A motion was made to hold the Respondent in default.

Barai/Stewart
Motion carried 6/0/0

The state revisited the main issues for the Board. He has been charged with several criminal charges and has been on Summary Suspension since April 2004.

Board Action: A motion was made to revoke the license.

Barai/Stewart
Motion carried 6/0/0

B. JACK KEVIN ROLL, M.D.
Cause No.: 2004 MLB 0011

Parties and Counsel Present:

Sara Matticks was present on behalf of the State.
Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Barai (hearing officer)
Dr. Beeson
Dr. Stewart
Ms. Malone
Dr. Krejsa
Dr. Lankford

Witnesses: None.

Case Summary: In March 2004, Dr. Roll took a lethal dose of Klonopin. He was revived and Dr. Bowling evaluated him for psychiatric care. Dr. Bowling recommended that Dr. Roll be admitted for psychiatric care. On March 12, 2004, Dr. Bowling petitioned for the committal of Dr. Roll. After a hearing on the matter, Dr. Roll was committed to Deaconess Hospital.

The State presented that Dr. Roll now has an attorney, and asked that the Board not hold him in default and give Dr. Roll an opportunity to have his day in court. She has also spoken with his attorney. Dr. Roll is on an agreed indefinite summary suspension.

Board Action: A motion was made to hold off on issuing a default and to uphold the indefinite summary suspension for an additional 90 days.

Lankford/Stewart
Motion carried 6/0/0

C. SUBU DUBEY, M.D.

Cause No.: 2004 MLB 0045

Parties and Counsel Present:

Steve Douglas was present on behalf of the State.

Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Barai (hearing officer)

Dr. Stewart

Ms. Malone

Dr. Krejsa

Dr. Lankford

Dr. Beeson

Witnesses: None.

Case Summary: The Respondent signed a Consent Order with the North Carolina Medical Board, voluntarily surrendering his North Carolina license. This action was based upon Respondent's mismanagement in his practice and questions about his clinical competence. The United States government initiated criminal action against Dr. Dubey alleging that Dr. Dubey did willfully prevent, obstruct, mislead, and delay the communication of information and records relating to a violation of a federal health care offense to a criminal investigator, and did aid and abet others in doing so. Respondent signed a plea agreement with the United States government in settlement of the charges. He was ordered to serve 21 months in prison and pay restitution of \$492,792.56. Subsequently, the North Carolina Board revoked his license.

The State informed the Board that Dr. Dubey has a new mailing address and requested the Board to resend the Notice of Proposed Default.

Board Action: A motion was made to not issue the Notice of Proposed Default and resend the notice to the new address.

Stewart/Lankford
Motion carried 6/0/0

D. DONALD W. TAYLOR, M.D.

Cause No.: 2004 MLB 0046

Parties and Counsel Present:

Steven Douglas was present on behalf of the State.

Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Beeson (hearing officer)
Dr. Stewart
Ms. Malone
Dr. Krejsa
Dr. Lankford
Dr. Barai

Witnesses: None.

Case Summary: Timely notice was sent to Respondent. The Respondent did not file an objection. The state asked the Board to hold him in default.

Board Action: A motion was made to hold the Respondent in default.

Krejsa/Stewart
Motion carried 6/0/0

The state proceeded on the record. On April 21, 2003, Dr. Taylor entered the Montana physician assistance program. He maintained his sobriety for two months before he resumed alcohol use. He again entered treatment on July 18, 2003, and remained sober until October 2003. Then again during the Christmas season of 2003 he drank alcohol at his office Christmas party.

State's exhibit 1: Montana Board of Medical examiners order from Summary Suspension to the revocation.

The State requested the board to revoke this license.

Board Action: A motion was made to revoke the license.

Barai/Krejsa
Motion carried 6/0/0

X. DISCUSSION ITEMS:

- a) Resolution – Designation of Authority
Re: Appointment of Frances L. Kelly as Executive Director of IPLA
- b) Roger A. Barnard, M.D.
Re: Reconsideration of Default Entry

Dr. Barnard is a physician whom the board revoked his license and he filed a petition for judicial review attacking the default. Schmidt reviewed the history of the case, where Barnard sent in a letter stating that his leg was injured. Although this was not a formal objection to the notice of proposed default, it is defensible. He advised the board that all things considered it is best for the board to agree to a remand now and

the board can have a hearing on the merits. The board did not do anything wrong, but practically speaking it would be prudent to reconsider the matter.

A motion was made to agree to a remand from the court and schedule this matter for a final hearing before the full Board.

Krejsa/Lankford

Motion carried 4/1/1(Beeson opposed, Malone abstained)

c) IC 25-22.5-1-2(a)(20)

Re: Board's position on supervision of staff other than PA's and Nurses.

The physician is responsible for his staff and the code defines it as clearly as the Board is going to define it.

d) USMLE

Re: Step III Report

The Board reviewed the report.

e) Legislative Update

Re: Merger and Legislation pertinent to the Board

The Board reviewed the legislation.

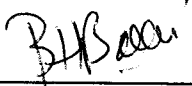
XI. PERMIT/LICENSURE APPLICATIONS

A motion was made and seconded to approve all recommendations and decisions made by the Board members on applications for licensure that were reviewed throughout the Board meeting and at any other time since the last Board meeting.

Malone/Stewart
Motion carried 6/0/0

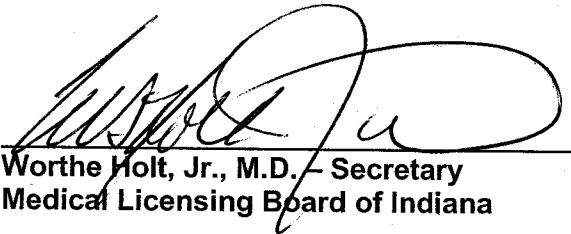
XII. ADJOURNMENT

There being no further business and having completed its duties, the meeting of the Medical Licensing Board of Indiana adjourned at 10:30 p.m.



Bharat Barai, M.D. – President
Medical Licensing Board of Indiana

Date



Worthe Holt, Jr., M.D. – Secretary
Medical Licensing Board of Indiana



Date